

NEWPORT BEACH HARBOR COMMISSION MINUTES
City Council Chambers
March 9, 2011

CALL TO ORDER

6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

All Commissioners were present.

Council Liaison: Nancy Gardner

Staff: Manager Chris Miller
Supervisor Shannon Levin

MINUTES

Motion by Commissioner Rodheim, seconded Commissioner Valdes, to approve the February minutes: All ayes, motion approved.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

ACTION & APPEAL ITEMS

ITEM #1

Subject: Harbor Visioning Task Force Update

Issue: The Harbor Visioning Task Force Chairman, Commissioner Rodheim, will present the findings of the Task Force as they relate to the Lido Marina Village area and portions of West Coast Highway.

Discussion: Commissioners Rhine, Valdes and Rodheim as part of the Visioning Task Force held meetings for various stakeholders of Lido Marina Village and Mariner's Mile. Commissioner Rodheim presented the conceptual visioning of the stakeholders and stated that Harbor Visioning works in tandem with the landside development. The City Council has mentioned that they envision a World Class Harbor and the Visioning Task Force is using that as a guide for future use.

The stakeholder group suggests that the Mariner's Mile and LMV areas must be dedicated to visitor serving commercial areas especially with the potential for larger mega yacht berthings using Med Tie system. The stakeholder group also supported the idea of a continuous boardwalk from LMV through MM with a visitor parking area and iconic visitor center at the County easement near the Newport Blvd bridge. This vision comes in tandem with increasing visitor serving amenities such as a water taxi.

Commissioner McIntosh asked whether the property owners along the proposed boardwalk would supply that extra 15 feet for the boardwalk.

The Visioning Task Force also suggests that the project line may be moved 30 feet bayward and the pierhead line bayward 20 feet to accommodate larger, legally berthed vessels with a maximum vessel length of 165 feet.

The Turning Basin was evaluated as a possible relocation area for the Anchorage, however, the size of the Anchorage was deemed too large for that location. It is essential to maintain the existing boat yards for local haul outs. The Task Force suggests that work commence on the possible design and construction of a dinghy dock at the sandy area at the foot of the Lido Isle bridge.

Relocation of Harbor Lines was also discussed for the Carnation Cove and Eastern side of the Channel Entrance. Alteration of the Harbor Lines at Carnation Cove could directly affect property rights. The Task Force supported the idea of moving the Project Line in toward the Pierhead Line to keep the Channel open to vessel traffic.

Council Member Gardner suggests bringing this presentation to the City Council Study Session on April 12, 2011.

Public Comments: No public comments.

Action: Direct the Harbor Visioning Task Force to present their findings to the City Council and to seek further direction from Council.

ITEM #2

Subject: **Review Proposed Revisions to the Harbor Commission's Purpose and Responsibilities**

Issue: The City Council's Bay Issues Committee has requested the Harbor Commission to review the proposed revisions to the Commission's Purpose and Responsibilities.

Discussion: In the summer of 2010 the Bay Issues Committee reviewed the roles and responsibilities of the Harbor Commission and submit those comments to the Tidelands Management Committee.

Council Member Gardner commented that these revisions focus on the efficiency and utilization of the work and comments of the Harbor Commission. Commissioner West questioned the effect of the newly formed Tidelands Management Committee on the Harbor Commission. Gardner answered that the Harbor Commission will be active participants of the TMC as topics relate to Harbor Commission roles. Citizen advisors will be Ad Hoc depending on the specific topic.

Commissioner Lawrenz asked for clarification of the assignment of duties. Gardner clarified that Harbor Commission can suggest projects to Council that can be assigned for completion. Commissioner West added that these clarified roles will efficiency by streamlining communication and direction between Council and the Commission.

Public Comments: John Corrough, Balboa Island, is troubled with the wording "Commission shall" and likes the language "in consultation with the City Manager and Council."

Action: Review the proposed revisions to the Harbor Commission's Purpose and Responsibilities and submit comments to the Council's newly formed Tidelands Management Committee.

SUB-COMMITTEE REPORTS

Sailing Speed Subcommittee: Commissioner West met with City Manager Kiff and Council Member Daigle to discuss sailing speed issues in the Harbor. West compiled a draft version of an ordinance to revise speed policy for sanctioned races in the Harbor. Races sanctioned by the City could exceed the existing speed limit of 5mph. The proposed revision will be refined by the Office of the City Attorney and reviewed by Harbor Patrol as well. (Handout Attached)

Marketing Subcommittee: Commissioners Rodheim and West will review the last version of the Harbor Guide, update it and get estimates for reproduction of the Guide. Staff will determine if there are available funds. With that information Council can direct staff and the subcommittee on the reproduction.

COUNCIL LIAISON REPORT:

Council Member Gardner discussed the formation of the Tidelands Management Committee.

HARBOR RESOURCES UPDATE – Chris gave a PowerPoint presentation on harbor updates. *The update is posted at <http://www.newportbeachca.gov/index.aspx?page=1658>*

PUBLIC COMMENTS

RECOMMENDED TOPICS FOR FUTURE AGENDAS:

- Mooring Wait List
- NOAA Update on Mooring Field Realignment
- Dinghy Dock at Lido Bridge
- Bilge/pumpout stations

DATE OF NEXT MEETING: April 13, 2011

ADJOURNMENT

**Newport Harbor Commission
Sub Committee on Harbor Code Enforcement**

Interim Report on Harbor Speed Limit

March 9, 2011

SUB COMMITTEE RECOMMENDATION

The Harbor Commission should develop a recommendation to the City Council that Section 17.20.020 be amended to include a speed limit exception only for organized and sanctioned rowing and sail racing events.

BACKGROUND

- The Harbor Commission received the sub committee's recommendation at its January 12, 2011 meeting and agreed that the concept of a harbor speed limit exception should be reviewed with the City Manager
- In a meeting held February 15, 2011 the City Manager indicated his support of the concept and suggested that the sub committee develop the specific language of a proposed Harbor Code amendment for the Harbor Commissions' consideration.
- A copy of the proposed amendment is attached for the Commissioners' review and comment in advance of our April 13, 2011 meeting. This draft was developed from work done several years ago by Commissioner Rhyne and others when the harbor speed limit amendment was first considered.

RECOMMENDED NEXT STEPS

- Circulate proposed draft for comment within the harbor community.
- Sub Committee will revise the proposed draft based on comments from the Commissioners, Harbor Resources Staff, and interested members of the harbor community.
- Present revised draft for Harbor Commission consideration as a properly noticed Action Item on the April 13, 2011 agenda.

March 9, 2011

PROPOSED DRAFT – HARBOR SPEED LIMIT EXCEPTION
AMENDMENT TO NBMC SEC. 17.20.020

Preamble

Whereas the City of Newport Beach and its Harbor Community have a long standing tradition of competitive boating activities that include sailboat racing, human powered boat racing, and the associated training and practice activities that generally accompany such events, and

Whereas the City has become aware of the need to encourage, organize, and clarify the City's administration of these activities in a more structured manner, consistent with Orange County Code, Division 2, Article 1, Section 2-2-1, in order to continue to accommodate usage of the Harbor by the boating Public for those and other private and commercial activities, and

Whereas it is the intent of this amendment to coordinate all of these activities in such a manner as to enhance the participation and enjoyment of our harbor for all of our citizens, while promoting good seamanship and boating safety on the part of the participants.

Amendment

1. Be it resolved that the City Manager, SMthrough his delegate the Harbor Resources Manager, shall be responsible for the administration and enforcement of this ordinance.
2. All organizers of sail or human powered racing may apply for a permit which shall be issued by the Harbor Resources Manager under the authority of the City Manager.
3. Said permits should be applied for a least 60 days prior to the event and should identify the area in which the event is to occur, the dates and times of practice sessions, if any, and the scheduled time for the event. Permission to hold the event shall not be unreasonably withheld so long as the organization complies with the basic terms and conditions of this ordinance.
4. In the case of recurring annual events such as Intercollegiate rowing and sailing competitions, yacht club or racing association sponsored competitions, the permits should be applied for in December of the year preceding the competitions and shall include the following information: a) Date and time of the event; b) Expected number of entries; c) Estimated duration of the event; d) type of vessels, length of vessels, estimated crew size; e) the race course and marks to be used as described in the official Notice of Race.

A copy of the previous years Notice of Race and entry list will be sufficient evidence of compliance with this article.

5. All organizers of events for which a permit has been issued shall insure that a copy of the permit is provided to the Office of the Harbormaster, Orange County Sheriff's Department not less than 10 days before the permitted event.
6. The basic speed limit in Newport Harbor is defined as 5 nautical miles per hour.
7. For purposes of this amended ordinance the basic speed limit may be exceeded by sailing or human powered vessels only when participating in organized, permitted, racing competitions and related practice sessions as described in these regulations. All competing vessels must comply with the Federal Navigation rules applicable to Newport Harbor, except that racing rules as promulgated by US Sailing or any successor entity shall govern the conduct of competing sailing vessels as between themselves. Each participating skipper shall be required as a condition of entry in any such competition to certify that he/she has read and understands the current racing rules.
8. The use of audible signaling devices such as air horns and loudhailers in connection with the start or finish of a competition permitted under this section shall not be considered a violation of the Newport Beach anti-noise ordinance.